

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

RONALD DEVON SMITH, JR.	:
	:
Petitioner,	:
	:
v.	: Civil Action No. 2:12cv578
	:
HAROLD W. CLARKE,	:
Director of the Virginia	:
Department of Corrections	:
	:
Respondent.	:

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions for threatening to burn or bomb on February 4, 2008, in the Circuit Court of Virginia Beach, as a result of which he was sentenced to serve four (4) years in prison with all but one year and six months suspended.

The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia.

The Report and Recommendation filed March 26, 2013, recommends dismissal of the petition. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On April 11, 2013, the Court received a

Motion to Reconsider and attached Addendum. (ECF No. 13, and 13-1). The Court has construed these two filings as Objections to the Report and Recommendation.

The respondent filed no response to the objections and the time for responding has now expired.

The Court, having reviewed the record and examined the objections filed by petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed March 26, 2013. It is, therefore, ORDERED that Respondent's Motion to Dismiss be GRANTED and the Petitioner's petition be DENIED and DISMISSED with prejudice.

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to petitioner at his last known address, and to counsel of record for respondent.

/s/ 

MARK S. DAVIS  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

April 30, 2013